

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

H.W., individually and on behalf of M.W., a child with
a disability,

Plaintiffs,

-against-

NEW YORK CITY DEPARTMENT OF EDUCATION,

Defendant.

Case No. 20-cv-10591 (RA)

~~PROPOSED JUDGMENT AWARDING PLAINTIFFS' ATTORNEYS' FEES AND COSTS CONSISTENT WITH MEMORANDUM OPINION & ORDER~~

The Court GRANTS Plaintiffs' motion for summary judgment, as well as post-judgment interest WITH MODIFICATIONS as set forth in the Court's Memorandum Opinion and Order dated February 23, 2022:

For the administrative component:

1. Plaintiffs are entitled to an hourly rate of \$400.00 for Andrew Cuddy, Michael Cuddy, and Jason Sterne. These individuals billed a combined total of 8.7 hours in the two administrative proceedings. A 20% reduction to these individuals' hours brings their total of hours to 7.0. Therefore, Plaintiff is entitled to a combined total of \$2,800.00 in attorneys' fees for Andrew Cuddy, Michael Cuddy, and Jason Sterne.
2. Plaintiffs are entitled to an hourly rate of \$300.00 for Kevin Mendillo. Mr. Mendillo billed a combined total of 161.3 hours in the two administrative proceedings. A 20% reduction to Mr. Mendillo's hours brings his total of hours to 129.0. Therefore, Plaintiff is entitled to a total of \$38,700.00 in attorneys' fees for Kevin Mendillo.

3. Plaintiffs are entitled to an hourly rate of \$200.00 for Britton Bouchard. Mr. Bouchard billed a combined total of 0.6 hours in the administrative proceeding. A 20% reduction to Mr. Bouchard's hours brings his total of hours to 0.5. Therefore, Plaintiff is entitled to a total of \$100.00 in attorneys' fees for Britton Bouchard.
4. Plaintiffs are entitled to an hourly rate of \$125.00 for Shobna Cuddy. Ms. Cuddy billed a combined total of 9.1 hours in the two administrative proceedings. A 20% reduction to Ms. Cuddy's hours brings her total of hours to 7.3. Therefore, Plaintiff is entitled to a total of \$912.50 in fees for Shobna Cuddy.
5. Plaintiffs are entitled to an hourly rate of \$100.00 for Allison Bunnell, Amanda Pinchak, Khrista Smith, Cailin O'Donnell, Emma Bianco, Sarah Woodard, and Diana Gagliostro. These individuals billed a combined total of 30.7 hours in the two administrative proceedings. A 20% reduction to these individuals' hours brings their total of hours to 24.5. Therefore, Plaintiff is entitled to a total of \$2,450.00 in fees for Allison Bunnell, Amanda Pinchak, Khrista Smith, Cailin O'Donnell, Emma Bianco, Sarah Woodard, and Diana Gagliostro.
6. Plaintiffs are entitled to recover one hour of travel time each way for Mr. Mendillo's travel at half his awarded hourly rate of \$300.00; thus, his travel rate is \$150.00 per hour. As Mr. Mendillo traveled to and from New York City for five hearings, Plaintiff is entitled to \$1,500.00 in billed travel time for Mr. Mendillo.
7. Plaintiffs are entitled to 10 cents per page for printing and copying expenses, for a total of \$36.10 in printing and copying expenses, together with \$15.93 in postage and \$49.00 in tolls, for a total of \$101.03.

8. Plaintiffs are entitled a total of \$46,462.50 in fees and \$101.03 in costs for the administrative proceeding.

For the federal action:

9. Plaintiff is entitled to an hourly rate of \$400.00 for Andrew Cuddy. Mr. Cuddy billed a total of 6.7 hours in the federal action. A 20% reduction to Mr. Cuddy's hours brings his total of hours to 5.4. Therefore, Plaintiff is entitled to \$2,160.00 in attorneys' fees for Mr. A. Cuddy.

10. Plaintiff is entitled to an hourly rate of \$300.00 for Kevin Mendillo. Mr. Mendillo billed a total of 42.2 hours in the federal action. A 20% reduction to Mr. Mendillo's hours brings his total of hours to 33.8. Therefore, Plaintiff is entitled to \$10,140.00 in attorneys' fees for Mr. Mendillo.

11. Plaintiff is entitled to an hourly rate of \$125.00 for Shobna Cuddy. Ms. Cuddy billed a total of 2.3 hours in the federal action. A 20% reduction to Ms. Cuddy's hours brings her total of hours to 1.8. Therefore, Plaintiff is entitled to \$225.00 in fees for Ms. Cuddy.

12. Plaintiff is entitled to an hourly rate of \$100.00 for Cailin O'Donnell. Ms. O'Donnell billed a total of 2.4 hours in the federal action. A 20% reduction to Ms. O'Donnell's hours brings her total of hours to 1.9. Therefore, Plaintiff is entitled to \$190.00 in fees for Ms. O'Donnell.

13. Plaintiff's costs for the federal component total \$402.00 for the filing fee.

14. Plaintiff is entitled to a total of \$12,715.00 in fees and \$402.00 in costs for work performed in the federal action.

Accordingly, it is hereby ORDERED that Plaintiffs are awarded attorneys' fees in the amount of \$59,177.50 and costs in the amount of \$503.03, with post-judgment interest thereon.

The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

Dated: March 9, 2022
New York, New York



Hon. Ronnie Abrams
United States District Judge